SINGLE BENCH

CF 16002

(5)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION (S) No. 1383 OF 2007

PETITIONERS 1) Seva Ram Verma, S/o. Shri Jhadu Ram Verma, aged about 46 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School (Boys), Arjuni, Block Baloda Bazar, District Raipur (C.G.).

P.R. No. 1182/07
Presented M. Alam 9/2/07
dated

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2) Munna Lal Verma, S/o. Shri Keval Chand Verma, aged about 46 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Semhradih, Block Baloda Bazar, District Raipur (C.G.).

3) Rupchand Dhurandhar, S/o. Shri Maniram, aged about 45 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Nayaktad, Block Baloda Bazar, Distt. Raipur (C.G.).

4) Premnarayan Sahu, S/o. Shri Bisesar Sahu, aged about 42 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Kukurdih, Block Baloda Bazar, District Raipur (C.G.).

5) Maruti Kumar Soni, S/o. Shri Bhattu Lal, aged bout 42 years Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Chhuiha, Block Baloda Bazar, District Raipur (C.G.).

6) Devendra Kumar Verma, S/o. Shri Rishikesh Verma, aged about 42 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Kukurdih. Block Baloda Bazar, District Raipur (C.G.).

7) Harikishan Verma, S/o. Shri Sadaram Verma, aged about 42 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Kanji, Block Baloda Bazar, District Raipur (C.G.).

8) Oskar Ekka, S/o. Shri Alois Ekka, aged about 40 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School Godkhapri, Block Baloda Bazar, District Raipur (C.G.).

9) Smt. Nisha Srivas, W/o. Shri Yugal Kishore, aged about 40 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School (Boys), Sakri, Block Baloda Bazar, District Raipur (C.G.).

10) Smt. Vandana Sao, W/o. Shri Manohar Lal Sao, aged about 42 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School (Girls), Arjuni, Block Baloda Bazar, District Raipur (C.G.).

11) Smt. Nitya Kumari Ekka, W/o. Shri Oskar Ekka, aged about 42 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School (Boys), Sakri, Block Baloda Bazar, District Raipur (C.G.).

12) Smt. Bimla Bawnekar, W/o. Shri Homchand Bawnekar, aged about 46 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School (Girls), Arjuni, Block Baloda Bazar, District Raipur (C.G.).

13) Manharan Lal Sahu, S/o. Shri Ajuram Sahu, aged about 38 years, Occupation-Govt. Servant Assistant Teacher at Govt. Middle School, Semhradih, Block Baloda Bazar, District Raipur (C.G.).

14) Avadhram Devangan. S/o. Shri Hemsai, aged about 38 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School (Boys), Arjuni, Block Baloda Bazar, District Raipur (C.G.).

15) Smt. Usha Verma, W/o. Shri Jai Prakash Verma, aged about 43 years, Occupation-Govt. Servant Assistant Teacher at Govt. Primary School, Ravan, Block Baloda Bazar, District Raipur (C.G.).

16) Smt. M.S.Toppo, W/o. Shri E. Toppo, aged 36 year Occupation-Govt. Servant Assistant Teacher at Govt. Mahatma Gandhi Primary School, Baloda Bazar, Block Baloda Bazar, District Raipur (C.G.).

VERSUS

RESPONDENTS

1) State of C.G. through Secretary Department of School Education, DKS Bhavan, Raipur (C.G.).

2) District Education Officer, District Raipur (C.G.)

3) Block Education Officer, Block Baloda Bazar, District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(72)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1383 of 2007.

Petitioner : Seva Ram Verma and others

Versus

Respondents : State of Chhattisgarh & Others

Present: Smt. Hamida Siddique, Shri Mahfooz Alam, Advocates for the petitioner.
Shri Sushil Dubey, Government Advocate for the State / respondents.

ORDER
(Passed on 9th of March, 2007)

1. The petitioners were appointed during the year 1984 -1997 as Assistant Teacher/Deputy Teacher on a fixed pay scale of Rs. 300 / Rs. 1200/-. After completion of their respective period of probation, they were granted regular pay scale.

2. Learned counsel appearing for the petitioners submit that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others),

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wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge